

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

CARLOS HERNANDEZ HERNANDEZ,

Defendant and Appellant.

B269200

(Los Angeles County
Super. Ct. No. VA140275)

APPEAL from a judgment of the Superior Court of Los Angeles County, Peter Espinoza, Judge. Affirmed.

Buckley & Buckley and Christian C. Buckley for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant, Carlos Hernandez Hernandez, appeals from an October 23, 2015 judgment, entered after he plead no contest to a deadly weapon assault charge. We affirm the judgment.

On September 12, 2015, the 16-year-old victim, was walking along a street in Lakewood when a vehicle stopped nearby. Three males including defendant stepped out of the vehicle. The victim was repeatedly asked where he was from. Defendant was the individual repeatedly posing that question to the victim. Another male hit the victim in the knee with a baseball bat. The victim fell to the ground. Defendant then pointed a knife at the victim. The victim was repeatedly asked where he was from. Again, defendant was the individual repeatedly asking that question concerning where the victim was from. In addition, defendant threatened to cut the victim. Defendant stated he was from “LGS” during the attack. After the victim yelled for help, all three males entered their vehicle and drove away.

Later, the victim identified defendant in a photographic lineup. Defendant agreed to come to the Lakewood Sheriff’s Station to talk to several detectives where he was arrested on October 6, 2015. Upon questioning, defendant stated “LGS” stands for “Lakewood Gangja Smokers.” Defendant claimed he quit the gang three weeks earlier.

On October 22, 2015, defendant entered a no-contest plea to one count of deadly weapon assault in violation of Penal Code section 245, subdivision (a)(1). Defendant was sentenced under the terms of the plea agreement to three years in prison. Defendant was awarded 32 days of presentence credit, consisting of 16 days of actual custody and 16 days of conduct credits. The trial court imposed a: \$300 restitution fine; \$40 court operations assessment; \$30 criminal conviction assessment; and suspended \$300 parole revocation restitution fine.

Defendant filed a timely notice of appeal on December 16, 2015. In addition, defendant requested issuance of a probable cause certificate. The trial court denied defendant’s probable cause certificate issuance request. On February 22, 2016, the Administrative Presiding Justice of this district issued an order limiting the appeal to non-

certificate issues because defendant did not obtain a probable cause certificate. On March 22, 2016, we appointed counsel to represent defendant. After examination of the record, appointed appellate counsel has filed a brief in which no issues are raised. Instead, appointed appellate counsel has asked us to independently review the entire record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441-442. (See *Smith v. Robbins* (2000) 528 U.S. 259, 264.) On April 20, 2016, we advised defendant he had 30 days within which to submit by brief or letter any contentions or argument he wished this court to consider. No response has been received.

We have examined the entire record in accordance with *People v. Wende, supra*, 25 Cal.3d at pages 441-442. Neither appointed appellate counsel nor defendant has identified any non-certificate issue for our review. We agree with appointed appellate counsel that no arguable issue exists on appeal.

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

TURNER, P. J.

We concur:

KRIEGLER, J.

RAPHAEL, J. *

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.